

Draft Minutes of the
Delta Protection Commission
Thursday, May 27, 2004

1. Call to Order/Roll Call

Chairman McCarty called the meeting to order at 6:35 p.m.

Present: Chairman McCarty, Commissioners Beltran, Cabaldon, Coglianese, Curtis, Ferguson, Johnson, Kelly, McGowan, Ornellas, Sturm, and van Loben Sels,

Absent: Commissioners Calone, Forney, Glover, Nottoli, Sanders, Shaffer, and Wilson.

2. Public Comment

There were no public comments.

3. Minutes of the Last Meeting

Commissioner Cabaldon moved approval of the minutes; Commissioner Johnson seconded. The minutes were approved by voice vote; Commissioner Beltran abstained.

4. Chairman's Report

The next meeting of the Delta Protection Commission is scheduled for Thursday, July, 22, 2004, 6:30 p.m., Jean Harvie Community Center.

5. Commissioner Comments/Announcements

Commissioner Curtis announced that there would be a field trip to Liberty Island to explore the potential options of transferring title from the Trust for Public Land (TPL) to the Department of Fish and Game (DFG).

Commissioner Kelly announced that DWR held a meeting on the Delta Improvements Package, and that the CALFED Program and DPC newsletter had good coverage on the package. Comments should be received by June 2, 2004 to be put into a report to the CBDA for review at the CBDA June 9-10 meeting.

6. Attorney General's Report

Dan Siegel briefed the Commission on the Paterno Court of Appeal Decision. He said the case arose from the 1986 collapse of the Linda levee, which caused extensive flooding in the cities of Olivehurst and Linda on 7000 acres. Three thousand people filed a lawsuit against the State of California and the local reclamation district. The case had two trials and two Court of Appeal decisions. The last court of appeal decision was issued six months ago and became final two months ago when the California Supreme Court refused to hear the case. Claims against the State and reclamation district were takings claims, inverse condemnation, as well as negligence and dangerous conditions claims. He said the jury in the first trial dismissed the negligence and dangerous conditions' claims, but the Court of Appeal upheld the decision but called for a new trial on the takings issue. The Court of Appeal accepted the trial courts factual findings but held there was a taking by the State; however, the reclamation

district was not liable. In short, the Court clarified that where the failure of a flood control project floods lands not historically subject to flooding, there is strict liability under the takings law.

Mr. Siegel said the Court reaffirmed that to be unreasonable the cause has to be an unreasonable plan as opposed to unreasonable decisions of individuals because there needs to be a governmental policy that is wrong. The Appeals Court held that the State adopted an unreasonable plan, failed to properly to test the capabilities of the Linda Levee, and held that the reclamation district was not liable.

Chairman McCarty asked if one reclamation district does not maintain its levee but a nearby reclamation district does, who is liable in the case of a flood. Mr. Siegel responded that the courts would take the issue on a case by case basis.

Commissioner Curtis asked what results would come out of the decisions. Mr. Siegel said that he felt that since no one would know what the amount of damages would be, one possibility would be that the Court would be wrong; therefore it would be a deterrent that the government will be more scared to engage in new projects because of the potential costs. Whereas, the opposite would be that existing projects would meet the design criteria.

Commissioner Coglianese said that what is being protected has changed over time (i.e, change in land use; considerably greater damages when said levee was in asked what was being done

7. Executive Director's Report

- Margit Aramburu distributed handouts:
- Pending Projects Memo
- Ron Ott's CALFED Report
- Expenditures of the Commission
- Legislative Update—including updates to AB 2476
- Annual Report of the Delta Protection Commission which was distributed to the Governor, Commissioners, and the Legislature, as per the requirements of the Delta Protection Act.

Ms. Aramburu announced that staff participated in two work groups on updating the Plan for the Central Valley Habitat Joint Venture. The Department of Fish and Game is taking the lead with Ducks Unlimited serving as a contractor. She said that Commission staff will provide information on the report when it is released for public comment. One area of interest to the Commission is Yolo Basin and Delta Basin.

Staff participated on the Water Education Foundation's Tour for the press and the Great Valley Center's Leadership Program. Staff also attended the Sacramento Area Council of Government's Blueprint Leadership Forum.

Staff is working with the State Lands Commission and the Department of Boating and Waterways (DBW) on the Delta recreation study. The contract has been signed and staff is working on the final language for RFP for consultants. She reported that the funds from the

Coast Guard are only available for water and/or boating oriented recreation planning; therefore she will have to seek additional funding for land based recreational planning.

The Delta RC&D Program has reserved the name with the Secretary of State, and received a \$1,500 grant from the Great Valley Center to pay for the costs associated with filing fees with the Secretary of State's Office in addition to the \$10,000 from the Department of Agriculture. The group will hold its first meeting this summer.

8.CALFED Activities and Projects

Susan Tatayon, CALFED, reported on the Draft Delta Regional Profile. She said the profile started out as a plan, but the California Water Plan Advisory Committee, the Bay Delta Authority, and other stakeholders felt that the production of the Profile and regional reports for the California Regional water plan should be integrated. They are therefore developing the profile to provide a background text, current setting and explanation of programs in the Delta to be included in the Delta Water Plan, and providing background information on water management priorities to serve as the beginning of a integrated regional water management plan with the intention of qualifying for Proposition 50 funding.

Commissioner van Loben Sels stated that while the Draft Profile mentioned "riparian" water rights, it left out the issue of contracted water rights since users operate under both types of rights. Ms. Tatayon responded that the profile began as a plan in 2002, but since that time the Bullet 160, CDBA and its stakeholders felt that the production and development of the delta regional profile and regional reports for California Water Plan should be coordinated and integrated. Thus the profile was developed to provide background text/current setting and explanation of programs in the delta to be included in the water plan; as well as provide information on water management priorities that would serve as the beginnings of an integrated regional water management plan. She said the intent is that the plan might qualify for Proposition 50/Chapter 8 funding.

Ms. Aramburu reported that Ms. Tatayon and Mr. Ott have had three meetings with the CALFED committee and while many of the comments have been incorporated, staff has not taken a formal position or made any formation comments. Ms. Tatayon said that CALFED has done extensive outreach, meeting with various state and local agencies, and is trying to incorporate as many comments to meet the California Water Plan June 7, 2004 deadline. Comments are due to her by June, 4, 2004.

Ms. Aramburu reported that Mr. Ott mentioned that there is \$850,000 available for CALFED drinking water quality grants and the Commission might be interested in participating in a drinking water quality management study and grant application. She said she spoke with the Contra Costa Water District to be the lead on the project, and spoke with the Solano County Water Agency, City of Antioch, City of Stockton and the Freeport Water Project, all of whom are all interested. She also said she has a call into the City of West Sacramento and the City of Tracy. At issue before Commission was whether it would like to participate as part of the team and be named as a partner in the planning process. She stated that there were five regions and the money has to be spend within a year

Commissioner Cabaldon asked what the plan would be. Ms. Aramburu said it would outline smaller users, any watershed issues, and focus on the needs of those drinking water purveyors.

Commissioner Kelly commented that she felt that protecting drinking water quality was out of the scope of what the Commission is directed to do. Ms. Aramburu responded that there is a direct relationship between the impact of land uses and water quality which is identified in the DPC's plan. She also stated that there is larger role for the DPC to be the regional entity for the CALFED program to insure there is an open door for people to participate in processes.

Commissioner Coglianese stated that there is a role for the Commission but it was unclear what the role should be. She said the relationship between habitat and land integration must be acknowledged, and since the Commission has evolved into a regional forum, the issue is worth exploring.

Commissioner van Loben Sels said he felt it important that the Commission's Executive Director stay engaged in any discussion dealing with water quality because of the ramifications of poor water quality, in addition to other drinking water quality concerns. He asked how much staff time would this project entail. Ms. Aramburu said about one to two days a month would be devoted to the project.

Commissioner Cabaldon stated that while he agreed with Commissioner van Loben Sels that the Commission stay engaged in the issue, it was not clear to him why it was necessary to be in another collaborative considering the Commission's limited resources.

Chairman McCarty said he agreed with Commissioner Cabaldon that water quality is very important to the Commission and felt that there are so many studies he had to question how this study would be different.

Commissioner Kelly said she would support the Commission participating in the development of the plan, but not as the driver, to cut down on the amount of staff time.

Commissioner McGowan commented that the decision should come from Ms. Aramburu to determine if she and her staff would have time to devote to the project(s). Ms. Aramburu said that it would be prudent for the Commission to stay involved in the project in a limited role, and try to bring in other entities to develop outreach. She said she wanted to make sure that land use entities are aware of what is going on and participating. She said she spoke to ag water agency representatives who did not want to be co-applicants, but she wanted make sure that entities beyond urban water agencies have a chance to review the plan and make comments.

Chairman McCarty convened the public hearing. There were no public comments. Chairman McCarty closed the public hearing.

Commissioner van Loben Sels moved that the Commission authorize its Executive Director to stay engaged with the Delta drinking water quality grant application and represent the Commission during the process. The motion was seconded by Commissioner Ferguson and approved by voice vote of the members present.

Commissioner Johnson commented that there is a decades old debate about what damage boaters do to Delta levees. He said DBW is conducting a long term, multi-year study through the University of Southern California, Geography Department. He said they had sensors on at

least 80 sites to measure the potential for boat damage to levees. He also said that DBW received the CBDA, May 2004 Draft Finance Options Report which stated that 50 percent of levee damage was caused by boats. Commissioner Johnson said that the DBW staff oceanographer said that it was unlikely that 50 percent of the damage is caused by boats because 80 percent of all levees are armored in the Delta. Commissioner Kelly responded that while she did not work on the portion of the report, she would take Commissioner Johnson's comments back to the CBDA technical team to be addressed. Commissioner Cabaldon commented that he too has raised this very issue at BDPAC meeting.

Chairman McCarty stated that he would like to see further comment on the spectrum of rescues in the areas of agricultural, recreational, and land based wildlife habitat, and data on where people come from who recreate in the Delta.

9. Staff Recommendation and vote on the General Plan of the City Of Oakley

Ms. Aramburu noted that the Commission held a public hearing at its March, 2004 meeting and noticed in two newspapers a 30 day review period regarding the availability of the General Plan. During this time, no public comments were received.

Commissioner van Loben Sels asked how wide the buffer is between the development area and the Primary Zone. Ms. Aramburu responded that there is no Primary Zone in the City of Oakley; the boundary of the Primary Zone lies directly on the water's edge (shoreline). She said that at the time of review by the LAFCO, it was suggested that a smaller corridor of Primary Zone be included in the city limits in order to ease regulatory processing. Barry Hand, Community Development Director for the City of Oakley stated that there is little or no urban development proposed near the Primary Zone in the City of Oakley.

Commissioner Kelly asked how they determine that there would be no degradation to water quality. Ms. Aramburu said that the Commission had to determine that the General Plan and projects proposed within the plan meet that requirement. She also said Mr. Hand addressed that issue at the Commission's March 2004 meeting and felt the City of Oakley would meet the requirement when processing projects. She further stated that the Commission should review the City of Oakley's General Plan to determine if meets the requirement.

Commissioner Kelly said there is not a well defined water quality criteria for meeting requirements of determining no degradation to water quality, it seems too loose to make a judgment on the General Plan. Commissioner Cabaldon said he agreed too with Commissioner Kelly's comments and the Commission might have to take a tougher stance on future General Plans.

Commissioner van Loben Sels asked whether the requirements be modified for future projects that come before the Commission. Ms Aramburu stated that the Commission could not modify the requirements because they are directly from the Delta Protection Act which can only be changed by the Legislature, and she wasn't anticipating any new General Plans in Primary Zone.

Commissioner Coglianese asked for the factual basis to support the finding that there is no degradation to water quality. Mr. Hand responded that Commission staff, and Oakley staff and consultants worked together in preparing the plan to reflect the Commission's Plan. He said he had not seen a study to suggest there was detrimental impact on water quality nor has

he had any information that the Delta was being degraded. He also said that the City of Oakley must comply with RWQCB standards as well as working with DPC staff to make sure those standards are reflected in their planning.

Commissioner Cabaldon said he felt the Commission should approve the Oakley General Plan tonight then ask the Delta Land Use Subcommittee to suggest potential changes to the statute.

Chairman McCarty convened the public hearing. There were no public comments. Chairman McCarty closed the public hearing.

It was moved by Commissioner Cabaldon and seconded by Commissioner Coglianesi that the Commission adopt the Draft Resolution of the City of Oakley's General Plan and find that the Plan is consistent with the Delta Protection Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta; and ask the Delta Land Use Subcommittee to suggest potential changes to the statute for further recommendation to the Commission. The motion was passed by voice vote.

10. Briefing on the City of Elk Grove General Plan and "Planning Area"

Chairman McCarty stated that the City of Elk Grove adopted a General Plan and Planning Area for its new city, which includes maps for planning areas and policies outside the city. He said some of the planning areas include lands that are located in the primary area of the Delta.

Ms. Aramburu reported that the new City of Elk Grove, which is located on the edge of the Delta, recently adopted a new general plan. Currently, the City does not include areas of the Primary Zone, therefore the city is not required to submit its plan for Commission review; however, there are lands located in the Primary Zone which are part of the City's Planning Area.

Mr. Eric Norris, Planning Department of the City of Elk Grove reported that the City is outside the Primary and Secondary Zones; however, it has a Planning Area outside of the City. He said that the areas on the southern boundary of the City are included in the Secondary Zone; however they are under the jurisdiction of the County of Sacramento. As of 2002, Elk Grove's land use policies reflect the County of Sacramento's Land Use Policies. He said the area is a large flood plain area which is constrained by flooding from the Cosumnes River.

Commissioner van Loben Sels asked if the City's Planning Area extends into The Nature Conservancy lands. He also asked why the City doesn't pull back from the edge of the Primary Zone with their Planning Area. Mr. Norris said he did not believe the City extended into TNC areas, but the City of Elk Grove was working cooperatively with The Nature Conservancy with open space issues. He further stated that when planning the city they used first physical boundaries, however, they did not use the Commission's boundaries because they felt they would not be moving into the Primary Zone.

Chairman McCarty asked if the City was respecting the County's plan, which is part of the Commission's plan, then why wasn't the City respecting the Commission's jurisdictional boundaries. Mr. Norris responded that those lands were outside of Elk Grove's jurisdiction;

however, if they came into Elk Grove's jurisdiction those areas would be added to the Elk Grove General Plan, but EG has no intention of going into the Commission's jurisdiction.

Commissioner Curtis stated that it was his understanding that the City of Elk Grove was unable to provide mitigation for some endangered species impacts. He asked if the City was trying to designate a Sphere of Influence (SOI) as mitigation land for endangered species instead of leaving it under the County's jurisdiction. Mr. Norris responded that this was not the case since the land in question was Planning Area land, not sphere of Influence land, which are two different things. He said that in October 2000, the City went before the Local Agency Formation Commission (LAFCO) for an application for a SOI that included all areas, but worked with the LAFCO to come back with a scaled back application. However, the only part of the application that went forward was the area of Laguna West. He said the City has an application on hold with the LAFCO that proposes to include areas close to Grant Line Road (north of Highway 99), which are inside the County's urban service boundary but outside of the Commission's jurisdiction. Commissioner Curtis stated that the Department of Fish and Game was concerned with the area that overlaps with the Stone Lakes National Wildlife refuge because of the Pacific Flyway and large number of endangered species. He asked how the City's Planning Area deals with the area and potential mitigation for current growth of Elk Grove. Mr. Norris said that the City only addresses the planning areas from a land use perspective and their land use is the same as that of the Sacramento County's. He said that they are mitigating the loss of habitat in Elk Grove by collecting increased fees for the Swainson Hawk and the loss of agricultural land, and investigating the purchase of easements through entities like The Nature Conservancy.

Commissioner McGowan commented that expansion of a new city usually causes great consternation with the neighbors and the Commission should make responses on the impending fears.

Commissioner Coglianese stated that the Commission must come to terms with the fact of extensions of authority of other jurisdiction in the Primary Zone that could lead to urbanization. She asked what the City's rationale was for entering the Primary Zone with potentially urbanizing change in its Planning Area. Mr. Norris responded that the Planning Area is not an area the City of Elk Grove wants to include in its SOI now or in the future; nor does it believe the only reason for including an area in a city is to urbanize it.

Commissioner McGowan commented that he felt it was wrong and a mistake for the City of Elk Grove to include areas in the Primary Zone in its Planning Area. He said the Commission should not sit by quietly and allow this to happen and the City should be subject to the Delta Protection Act. Mr. Norris responded that he understood what was being said and suggested that the Commission have staff write a letter to the Elk Grove City Council to express their concerns. He said this was not a concern that the Council had heard before; therefore, it could consider revising the map at a future planning cycle to scale back the Planning Area to exclude anything in the Primary Zone.

Commissioner Beltran said that the City of Elk Grove was "stirring the pot" with its plan. He said that a lot of what was happening is a result of cities doing thing like this, without answering the question of "why" they are doing it. The City of Elk Grove was making it very difficult to be defended when they cannot answer the question as to why they are including

land in the Primary Zone in their planning area. He said that in order to put the Commission at ease, the City of Elk Grove should write a letter to the Commission stating its reasoning for including those lands. He said they should keep in mind that they are a new city and to think this decision through because what they do affects what happens in other cities, because the Legislature is closely monitoring everything going on in the Primary and Secondary Zones. He said they should give this area up, or submit Letter of Intent.

Commissioner van Loben Sels stated that the Commission should not only send a letter to the City of Elk Grove but also send representatives from RD 744, the Stone Lakes National Wildlife Refuge, the Cosumnes River Preserve and Commission staff to meet with City. Mr. Norris said the best venue for any discussion would be at the City Council meeting and he would put Ms. Aramburu in touch with the City Clerk to schedule a presentation on the Agenda.

Commissioner Cabaldon commented that this would be a simpler issue, but since the City of Elk Grove is not a participant in the Blueprint Project the situation is ambiguous. He said he felt Commissioner McGowan's assessments were on target. He said he is concerned, but if it gets to the point of a SOI application then the Commission could block the application. He said he respected what the City of Elk Grove is trying to do, but some of the messages heard by other cities is not helpful. He said part of the problem is that Elk Grove is the fastest growing city in the State of California. He said that sending a constructive letter expressing the Commission's concerns would help avoid the possibility of a conflict down the road.

Chairman McCarty said he agreed with Commissioner's McGowan and Cabaldon. He said he is concerned because the Commission has seen this before, most recently with the City of Stockton. He also said the City of Elk Grove has an opportunity to take a leadership role and bring reason to the process. Moreover, the City should recognize that Interstate 5 is a natural barrier that is not going away, the Primary Zone has been designated by the State as "off limits" and the City's focus should be on the Secondary Zone.

Chairman McCarty convened the public hearing.

Russell van Loben Sels, Reclamation District 744 trustee, suggested that the expansion of boundaries is not needed. He said that the City of Elk Grove should be encouraged to adopt the natural boundaries of Interstate 5, and the Stone Lakes Wildlife Refuge. He said he would be happy to go to the Elk Grove City Council to relay the message.

John Bohl, Clarksburg resident, said that the City of Elk Grove is making a mistake as it relates to market value on lands that they may choose to acquire in easements. He said the perception that they have overlain some boundaries is going to raise the expectations of landowners and raise the costs of the easements. He referenced a Sacramento Bee article that said that one of the biggest problems in the City of Elk Grove is acquiring affordable mitigation land. He urged the City to make an amendment to the Planning Area and delete it.

Chairman McCarty closed the public hearing

It was moved by Commissioner Beltran and seconded by Commissioner Cabaldon that Commission staff write a letter to the Elk Grove City Council to have a meeting with the

Commission for the City to reconsider its inclusion of its planning area within the Primary Zone, and based on that action, follow up that meeting with another meeting between the Commission, the City Council and the Mayor of Elk Grove. The motion was approved by voice vote. Commissioner van Loben Sels abstained.

Commissioners McGowan and Cabaldon volunteered to meet with the City of Elk Grove.

11. Discussion of River Islands—Sierra Club-City of Lathrop Lawsuit Settlement for Impacts of Development

Susan Del Osso of the River Islands Project reported that after seven years of litigation, a settlement agreement was reached that created a vehicle to purchase agricultural easements and set aside agriculture in perpetuity. The settlement stipulates that over the next two years, River Islands will fund the formation of an agriculture mitigation trust with a budget of \$200,000, and the money will be given to the Great Valley Center who will create bylaws and guidelines. She said that River Islands will initially fund a million dollars in agricultural mitigation fees and continue to contribute \$2,200 per acre for every acre that is developed (up to \$8.5 million) to purchase easements.

Ms. Del Osso said the agreement is in addition to mitigation they are doing under the San Joaquin Habitat Conservation Plan program where the intent is to set aside one-half acre for every acre developed for mitigation purposes.

Spent a lot time in discussion regarding should we identify target areas and came to the conclusion that it was something that could be identified in the new agriculture mitigation trust.

Ms. Del Osso said she is working with Ms. Aramburu on trying to resurrect the Study of Delta farmland because what is lacking is information on where good, critical farmland should be maintained. This is being done to help the Commission get information on where to purchase easements if it were to give recommendations to the new agriculture mitigation trust.

Commissioner Curtis asked how the terms of the easements would be determined. Ms. Del Osso responded that since the terms cannot be determined by the participants themselves, it will be part of the bylaws of the new trust.

Chairman McCarty asked who the San Joaquin County trustees were and if they represent vineyards in the Lodi area. Eric Parfrey, Stockton resident, said that the regional trust that was formed consists of Sacramento, Stanislaus, San Joaquin, and Merced Counties. The Stanislaus agricultural trust has disbanded; however, the bylaws for Stanislaus were used as a template for the new regional trust. A Board was created with three representatives from each of the four counties, and representatives from San Joaquin County represent the Lodi/Acampo wine growing area.

Mr. Parfrey said that in the City of Stockton's General Plan Draft, 20,000 housing units are proposed in the Secondary Zone. He urged the Commission to speak to the City's Planning Director. Chairman McCarty said the Commission has and is taking heat over deals made over 10 years ago relative to the Secondary Zone and now its being asked to consider

mitigation in the Secondary Zone and increase protection of the Primary Zone. He said he is concerned that resources being generated from activity in the Secondary Zone relative to River Islands could be sent to East Merced County when in fact they would be better used on the Primary Zone or lands adjacent to the Secondary Zone. Mr. Parfrey said that language in the River Islands settlement requires a good faith effort to purchase easements in the area where the impacts will occur. He suggested that any money collected in San Joaquin County should be spent in that County.

Commissioner van Loben Sels commented that he was concerned for future agreements because they state that the funds cannot be used in the Primary Zone or the Foothills. He said the Land Trusts should be able to use the funds in agricultural areas— including the Primary and Secondary Zones. He further stated that if permanent protection is not allowed in the best producing areas in the Primary Zones, then those areas may not have protection. Mr. Parfrey said he was more concerned with the Secondary Zone because 100,000 or more housing units have been planned, which is a huge cumulative impact that no Federal or State agency is looking at. Ms. Pam Carter, City Manager, City of Lathrop added that there is no prohibition for the land trusts to buy land in the Primary Zone, the prohibition is to have substitution land credit in the Primary Zone.

Commissioner Beltran commented that the Commission should express support for acquisition of lands and easements from the mitigation program in the Legal Delta, and support acquisition for land or easements for the program between developed areas in the Secondary Zone. He said this should be done through writing letters, following up and getting involved in the process. He said he is troubled to hear that the environmental community isn't as concerned with the Primary Zone as they are with other farmland.

It was moved by Commissioner Beltran and seconded by Commissioner Cabaldon that the Commission send a letter to the City of Lathrop, the Sierra Club, River Islands, the Great Valley Center and the new Land Trust and follow-up with a phone call encouraging them to acquire easements in the Primary and Secondary Zones, as close to the River Islands Project as possible. The motion was approved by voice vote. Commissioner Ornellas abstained.

12. Update on Pending Legislation

Ms. Aramburu reported that Assembly Bill 2476 (Wolk) has been amended by Assemblymember Wolk. Ms. Aramburu said the changes reflect the comments the Commission adopted at its February meeting. The proposal for membership is back to original membership; plus five new seats have been added to represent the State Office of Preservation, the public member of the Bay Delta Authority, and three members representing various areas of interest to be appointed by the Governor. Other changes include eliminating the mandatory mitigation strategy upon completion of a study by the Commission by October 2006.

Ms. Aramburu reported that the three other bills the Commission had been tracking are dead. Another bill by Senator Machado regarding the South Delta Project has been amended and moved on to the Assembly.

Commissioner Cabaldon said that he felt the legislation has come a long way. He added that while he supported State preservation of the Delta, he did not support it through the State

Historic Preservation Office because that office has no role in the Delta as their duties are largely regulatory. He said the new agency created under the Legacy Resources Bond grant might be a better fit. Secondly, he said he did not support the rotating of the Chairman and Vice Chairman positions because under the new legislative proposal, there would be an imbalance between the representative interests, and it would be unwise politically. He said overall, if other items in the bill were addressed and resolved, he would support it.

Commissioner Beltran said the Commission does not need to change and it should be made clear to the Assemblymember Wolk. He said if changes had to be made he would support sending comments that at least two members from the development community be added.

Commissioner Coglianese stated that one year ago, she felt Commission should not be changed. She said the exercise is healthy although painful and she hoped that out of the discussions will come a greater consciousness for the Delta and the Commission's role. She said she supported Commissioner Cabaldon's comments that mandatory rotation of the chair chairman position was unnecessary.

Commissioner Johnson said he was pleased that the State Agencies were regaining their voting rights.

Chairman McCarty urged the Commissioners to talk with their individual constituencies.

Commissioner McGowan said that regarding the funding issue in the legislation, the Commission has received its funding and should move on. He said he disagreed with the local government funding mechanism in the Legislation—that idea must be addressed by the Commission. He said he would sign off on a letter to the Legislature.

Chairman McCarty convened the public hearing.

Bill Geyer, Resource Landowners Coalition, said the Commission produced a responsive report and the Legislation should be guided by that report. He said that the Commission should feel good about the bill moving through the Assembly. He said there are outstanding issues identified that need to be cleaned up and the Resource Landowners Coalition is prepared to support the bill if it could be worked into a good working product. He also said his organization was concerned about the Historic and Cultural areas of the membership. The Resource Landowners Coalition will get in touch with Assemblymember Wolk's office to discuss its concerns.

Chairman McCarty closed the public hearing.

It was moved by Commissioner Cabaldon and seconded by Commissioner McGowan that the Commission send a letter to the Chair of the Joint Legislative Conference Committee to support the Governor's proposed funding the Fiscal Year 2004-2005. The motion was approved by voice vote. Commissioners Curtis, Kelly, Sturm, and Johnson abstained.

13. Report from Delta Land Use Impacts Committee Regarding Review of Projects in the Primary and Secondary Zone.

Ms. Aramburu reported that the new committee met and considered a summary table of development in the Delta within the last ten years. She announced that the next meeting of the Committee has to be determined and asked that anyone with suggestions for future discussion items forward those to her.

Commissioner Cabaldon said he found the table very helpful as a summary of the extent of urbanization in the Delta over the last twelve years. He said it seems that broader representation is needed on the Committee.

14. Budget and Work Plan for FY 04-05

This item will be discussed at the July meeting.

15. Adjourn

Chairman McCarty adjourned the meeting at 9:35 p.m.